

(b) Using the planning target and guidance provided by EPA, each applicant completes a standard EPA application including a proposed work program for each environmental program for which it expects to receive EPA funding. Alternatively, an applicant prepares a consolidated work program to support several individual applications or a single consolidated application. After the applicant submits its application, the Regional Administrator reviews it and, if it meets applicable requirements, approves the application and agrees to make an award when funds are available. The Regional Administrator awards assistance from funds appropriated by Congress for that purpose.

(c) The recipient conducts its activities according to the approved application and assistance award. The Regional Administrator evaluates recipient performance to assure compliance with all conditions of the assistance award.

(d) Except for funds reserved under section 205 (g) and (j) of the Clean Water Act, the Administrator or Regional Administrator may use funds not awarded or committed to an applicant to supplement awards to other applicants for that program or to support a Federal program required in the absence of an acceptable State program.

§ 35.115 State allotments and reserves.

Allotments and reserves provide an objective basis for establishing planning targets and funding levels for work programs. Congress determines the construction grant allotment, from which the State proposes reserves for State administration and water quality management planning. EPA determines the allotments for the other financial assistance programs based on the President's budget request to Congress. The factors and limitations considered for each program are as follows:

(a) *Air pollution control allotment* (Clean Air Act, section 105): Population, the extent of actual or potential air pollution problems, and the financial need of each agency to be funded with the State's allotment. However, no State shall have made available to it for application an allotment of less than one-half of 1 percent nor more

than 10 percent of the annual appropriation for section 105 grants.

(b) *Water pollution control allotment including ground-water protection allotments* (Clean Water Act, section 106): The extent of the State's water pollution problem. In each fiscal year, the Administrator will reserve a percentage of the total available funds for eligible Indian Tribes,

(c) *State administration reserve* (Clean Water Act, section 205(g)): Up to four percent of the State's authorized construction grant allotment as determined by Congress or \$400,000, whichever is greater.

(d) *Water quality management planning reserve* (Clean Water Act, section 205(j)(1)): Not less than \$100,000 nor more than one percent of the State's construction grant allotment as determined by Congress. However, for Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific Islands and the Northern Mariana Islands, a reasonable amount shall be reserved for this purpose. Each fiscal year the Administrator may reserve a percentage of the sums appropriated under section 207 for water quality management planning assistance to eligible Indian Tribes,

(e) *Public Water System Supervision Allotment* (Safe Drinking Water Act, section 1443(a)): The State's population, geographic area, numbers of community and non-community water systems, and other relevant factors. However, no State, except American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or the Trust Territory of the Pacific Islands may be allotted less than one percent of the total, except that for fiscal years beginning after fiscal year 1989, to the extent that fiscal year appropriations exceed the amount of fiscal year 1989 appropriations, States shall share in any excess based upon the grant formula in effect for such fiscal years.

(f) *Ground-water Quality Protection Reserve* (Clean Water Act, section 319(i)): Each fiscal year the Administrator may reserve for eligible Indian Tribes one-third of one percent of the amount appropriated under section 319(j) for 319 (h) and (i).

Environmental Protection Agency

§ 35.130

(g) *Public Water System Supervision allotment* (Safe Drinking Water Act, section 1443(a)): Population, geographic area, numbers of community and non-community water systems and other relevant factors. All jurisdictions except American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands or an individual eligible Indian Tribe shall be allotted at least one percent. Up to three percent of the Public Water System Supervision funds shall be reserved each year for use on Indian lands.

(h) *Underground Water Source Protection allotment* (Safe Drinking Water Act, section 1443(b)): Population, geographic area, extent of underground injection practices, and other relevant factors. Up to five percent of the Underground Water Source Protection funds shall be reserved each year for use on Indian lands.

(i) *Hazardous waste management allotment* (Solid Waste Disposal Act, as amended, section 3011): The extent to which hazardous waste is generated, transported, treated, stored, and disposed of in the State and the extent of exposure of human beings and the environment to such waste, and such other factors as the Administrator deems appropriate.

(j) *Pesticide enforcement allotment* (Federal Insecticide, Fungicide, and Rodenticide Act, section 23): The State's population, the numbers of pesticide-producing establishments and certified private and commercial applicators, and the number of farms and their acreage.

(k) *Pesticide applicator certification and training allotment* (Federal Insecticide, Fungicide, and Rodenticide Act, section 23): The number of farms and numbers of private and commercial applicators requiring certification or recertification.

[47 FR 44954, Oct. 12, 1982, as amended at 54 FR 14357, Apr. 11, 1989; 54 FR 40368, Sept. 29, 1989; 57 FR 8074, Mar. 6, 1992; 59 FR 13817, Mar. 23, 1994; 60 FR 371, Jan. 4, 1995]

§ 35.120 Planning targets.

The Regional Administrator develops planning targets to help each applicant develop a work program. A planning target is the State's reserve or is based

on the State's allotment and the Regional Administrator's evaluation of each applicant's ability to use allotted funds effectively.

§ 35.125 Program guidance.

Program guidance helps State and local agencies establish and maintain effective environmental programs which meet their particular needs and those of the national program. National program managers in Headquarters issue guidance to Regional Administrators, and Regional Administrators issue guidance to applicants.

(a) *Headquarters guidance to Regional Administrators.* Headquarters guidance is based on the President's annual budget submission to Congress and the statutory and regulatory requirements for each environmental program. The guidance contains a statement of national objectives and priorities, an explanation of the activities required of the regions, and a list of program elements and associated outputs recommended for State and local environmental programs.

(b) *Regional guidance to applicants.* Regional guidance is based on Headquarters guidance and the Regional Administrator's knowledge of environmental problems in each State in his region and evaluation of each applicant's ability to carry out the program. The guidance contains EPA's objectives and priorities, the applicant's planning target, the program elements EPA uses for budget justification and management, categories of outputs which should be part of the applicant's work program, and special conditions or limitations relevant to the applicant.

§ 35.130 Work program.

The work program is part of the application for financial assistance and is the basis for the management and evaluation of performance under the assistance award. The work program must specify the work years and amount and source of funding estimated to be needed for each program element, the outputs committed to under each program